

Attorney's Docket No.:10559-362001

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-22 and 24-27 stand rejected under 35 USC 112, second paragraph, as being indefinite. This contention is respectfully traversed. The rejection rejects all claims based on their use of a trademark. The analysis accompanying the rejection states that a trademark is per se indefinite since it is used to describe the source of goods, rather than the goods themselves. However, in this particular instance, it is respectfully suggested that the claim terms as used are completely definite. In fact, these claim terms do not merely describe the source of the goods, but rather describe the goods themselves. The Java™ language, and the Jini™ broker, are well understood by those having ordinary skill in the art. Moreover, and MPEP 608.01(V) clearly states that a trademark with a fixed and definite meaning forms a sufficient identification of goods or services. See latest revision of the in MPEP pages 600-88. With all due respect, this rejection is only proper when the trademark merely identifies the source of goods. As long as the trademark identifies, as it does here, the goods themselves and the characteristics of those goods, then there is nothing indefinite about the use of the trademark.

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Persons having ordinary skill in the art, therefore, would clearly be guided and would clearly know the meets and bounds of what is, and is not, Java™ and/or, Jini™ . Therefore, with all due respect, the claims are completely definite as written.

There appears to be no art based rejections made in the latest rejection, paper number 20040706. Therefore, having obviated the rejections under 35 USC 112, this similarly obviates all of the rejections remaining in the case. A notice on the merits is therefore respectfully requested.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

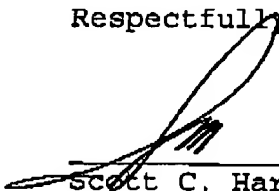
Applicant asks that all claims be allowed. Pursuant to 37 CFR §1.136, applicant hereby requests that the period for response to the action dated July 22, 2004 be extended for one

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month to and including November 22, 2004. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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